

Panaji, 18th February, 2021 (Magha 29, 1942)

SERIES II No. 47

# OFFICIAL GAZETTE



# GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

Note:- There is one Extraordinary issue to the Official Gazette, Series II No. 46 dated 11-02-2021 as follows:—

- (1) Extraordinary dated 17-02-2021 from pages 1427 to 1428 regarding Notifications from Department of Panchayati Raj and Community Development.

## GOVERNMENT OF GOA

Department of Education, Art & Culture

Directorate of Art & Culture

### Order

No. DAC/Accts/IMB-Committee/2020-21/3383

In exercise of powers conferred by Clause 4(i) read with Clause 20(b) of the Constitution of Institute Menezes Braganza, Panaji-Goa, the Government of Goa is pleased to appoint Shri Dasharath Parab, r/o D-3 Raj Heritage, Shanti Nagar, Ponda-Goa as Chairman of Institute Menezes Braganza, Panaji-Goa with immediate effect.

By order and in the name of the Governor of Goa.

*Sagun R. Velip*, Director & ex officio Jt. Secretary (Art & Culture).

Panaji, 09th February, 2021.

### Order

No. DAC/Accts/IMB-Committee/2020-21/3384

In exercise of powers conferred by Clause 3(ix) of the Constitution of Institute Menezes Braganza, Panaji-Goa, the Government of Goa is pleased to nominate following Members on General Council of Institute Menezes Braganza, Panaji-Goa with immediate effect.

1. Smt. Hema Naik r/o H. No. 219, Volvoi, Ponda-Goa.
2. Shri Gorakh Mandrekar r/o Porvorim, Bardez-Goa.

3. Dr. Rajay Pawar

r/o Omkar Navadurga Garden, Kalmamal, Borim Tisk, Ponda-Goa.

4. Shri Sagar Jawadekar

r/o 7/C Government Quarts., Patto Colony, Panaji-Goa.

By order and in the name of the Governor of Goa.

*Sagun R. Velip*, Director & ex officio Jt. Secretary (Art & Culture).

Panaji, 09th February, 2021.

## Department of Environment and Climate Change

### Order

No. GCZMA/GEN/MISC-13-14/Part-VI/1362

Whereas the Department of Environment and Climate Change had constituted a Committee for preparation of draft plan titled "Comprehensive Plan for Fishermen Community living in CRZ areas, whereas the said Committee has submitted the comprehensive draft plan for fishermen community living in CRZ area and whereas in the said plan the community has recommended constitution of the Fishery Planning Committee (FPC) comprising of representative of GCZMA, Directorate of Fisheries and three knowledgeable representative of Fishermen Community.

1. Director Environment & Climate Change — Chairman.
2. Directorate of Fisheries — Member.

- |                          |  |  |
|--------------------------|--|--|
| 3. Shri Henrique D'mello | — Goenche<br>Ramponkarche<br>Ekvot.                  | dwelling units in the CRZ belt shall be permitted on priority, based on the survey.  |
| 4. Shri Ashok Dhuri      | — Akhil Goa<br>Khshatriya<br>Pagui Samaj.            | D. The State Government shall notify fishing villages wherein foreshore facilities.  |
| 5. Adv. C.V. Chodankar   | All Goa<br>Fisherman<br>Co-op. Asso-<br>ciation Ltd. | E. The FPC shall study the genuine needs of the major fishing villages in terms of the facilities needed and prepare indicative plan for the same, duly superimposed on the respective Cadastral Scale Village CRZ maps. |

Whereas in the draft plan the committee has recommended the following:-

- A. Dwelling units of fishermen community can be considered for regularization as per Clause 6(d) of the CRZ Notification, 2011.
- B. To regularized dwelling units located within 200 to 500 mts. from HTL provision of Clause 8 III of the CRZ Notification, 2011 to be relied upon to permit maximum possible extension of their units in accordance to the TCP regulations.
- C. A detailed survey of the CRZ belt within 100 to 200 mts. from HTL shall be conducted to identify the Housing needs and land ownership of the traditional fishing community. Individual proposals from the traditional fishermen for construction of

The Committee will undertake the detail survey between 100 to 200 mts. from the coast for identification of houses of local coastal communities. Identification of fishermen houses in fishing wards, existing fishing infrastructure need for additional infrastructure location of net mending sheds, sheds canoe etc. with the assistance of taluka level committees constituted by this Department.

The Committee shall complete the exercise in 60 days. The non-official members will be paid seating fees as per Finance Department.

*Dasharath M. Redkar*, Director (Environment & Climate Change).

Panaji, 15th February, 2021.

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Department of Forest

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**Order**

No. 4-2-2011/FOR/259

The Government of Goa is pleased to order posting and transfer of the following Assistant Conservator of Forests, with immediate effect and until further orders in public interest as shown below:-

Sr. No.	Name of the Officers & Designation	Present place of posting	Transferred & posted as/Charge
1	2	3	4
1.	Shri Jose Colaco, Assistant Conservator of Forests	Assistant Conservator of Forests, South Goa Division, Margao-Goa	Assistant Conservator of Forests, Working Plan Division, Panaji-Goa.
2.	Shri Vishal Surve, Assistant Conservator of Forests	Assistant Conservator of Forests, SDFO, Quepem	Assistant Conservator of Forests, SDFO, Quepem with additional charge of Assistant Conservator of Forests/SDFO Canacona.
3.	Shri Amar Heblekar, Assistant Conservator of Forests	Assistant Conservator of Forests/Principal Forests Training School, Valpoi	Assistant Conservator of Forests/Principal Forests Training School, Valpoi.

1	2	3	4
4.	Shri Shrikrishna Prabhu, Assistant Conservator of Forests	Assistant Conservator of Forests/ /SDFO Mapusa	Assistant Conservator of Forests/SDFO Ponda.
5.	Shri A.G. Samant, Assistant Conservator of Forests	Office of Dy. Conservator of Forests, North Goa Division, Ponda-Goa	Office of Dy. Conservator of Forests, North Goa Division, Ponda-Goa.
6.	Shri Vishwas Chodankar, Assistant Conservator of Forests	Assistant Conservator of Forests, Legal Cell, Altinho, Panaji-Goa	Assistant Conservator of Forests, Legal Cell, Altinho, Panaji-Goa.
7.	Shri Damodar P. Salelkar, Assistant Conservator of Forests	Assistant Conservator of Forests, Wildlife & Eco-Tourism (South), Margao	Assistant Conservator of Forests, Wildlife & Eco- Tourism (South), Margao.
8.	Shri Deepak Pednekar, Assistant Conservator of Forests	Assistant Conservator of Forests, Working Plan Division, Altinho, Panaji-Goa	Assistant Conservator of Forests, SDFO, Mapusa.
9.	Ms. Cliffa D'Costa, Assistant Conservator of Forests	Assistant Conservator of Forests, Research & Utilisation, Margao	Assistant Conservator of Forests, Research & Utili- zation, Margao.
10.	Shri Paresh Porob, Assistant Conservator of Forests	Assistant Conservator of Forests, Zoo Manager, Bondla	Assistant Conservator of Forests, Zoo Manager, Bondla.
11.	Shri Dyaneshwar M. Kudalkar, Assistant Conservator of Forests	Range Forest Officer, Ponda under Dy. Conservator of Forests Parks & Garden Division, Ponda-Goa	Office of the Dy. Conservator of Forests, Social Forestry, Parks & Gardens Division, Ponda with additional charge of Forests, Soil Conservation.
12.	Shri Minguel A. Fernandes, Assistant Conservator of Forests	Range Forest Officer, Sanguem under Dy. Conservator of Forests, South Goa Division, Margao-Goa	Assistant Conservator of Forests, South Goa Division, Margao.

By order and in the name of the Governor of Goa.

*Isha M. Sawant*, Under Secretary (Forest).

Porvorim, 15th February, 2021.



## Department of Labour

### Notification

No. 28/2/2021-LAB/Part-I/73

The following Award passed by the Labour Court-II, at Panaji-Goa on 25-01-2021 in Case No. LC-II/Appln/01/2016 is hereby published as required under Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

*Maya Pednekar*, Under Secretary (Labour) (Link).

Porvorim, 11th February, 2021.

THE LABOUR COURT-II  
GOVERNMENT OF GOA  
AT PANAJI

(Before Shri Suresh N. Narulkar, Hon'ble  
Presiding Officer)

Case No. LC-II/Appln/01/2016

Shri Mark Sequeira,  
r/o. H. No. 245, Preniero Vaddo,  
Corjuem, Aldona,  
Bardez-Goa.

.... Workman/Party I

V/s

M/s. Edelweiss Broking Ltd.,  
105 Raya Chambers,  
Dr. A. B. Road,  
Bardez-Goa.

.... Employer/Party II

Workman/Party-I represented by Adv. Shri P. J. Kamat.

Employer/Party-II represented by Adv. Shri P. Karpe.

Panaji, Dated: 25-01-2021.

## AWARD

1. By this Award, I shall disposed off the present petition filed by the Party I/Workman u/s 2-A (2) of the I.D. Act, 1947.

2. It is the case of the Workman/Party I (for short the 'Workman'), in brief as per his statement of claim filed in the present proceedings on 29-02-2016, that he was employed as '**Associate Sales**' with the Employer/Party II (for short 'Employer') w.e.f. 03-08-2012, vide letter dated 02-08-2012. He stated that the Employer is a limited company with its registered office at Ahmadabad, having its corporate office at Mumbai and branch office at Panaji-Goa. He stated that the Employer is in the business of stock broking and distribution of third party financial product. He stated that the Employer has the workforce in Goa comprising of Branch Manager, Manager, Relationship Associates (2 Nos.) and sub-staff/peon. He stated that as an 'Associates-sales', his duties were sales acquisition of new customers, servicing customers and assisting them to sell and purchase, which are mainly clerical in nature. He stated that he had no authority to bind the Employer with any third party. He stated that he had no employees working subordinate to him. He stated that he had no authority to recommend the leave and/or sanction the leave of any of the employees of the Employer. He stated that he had no authority to operate the bank accounts of the Employer. He stated that he was also not given the power of supervision, administration or the management of the Employer. He stated that he had worked with the Employer from 03-08-2012 till the date of his illegal termination w.e.f. 06-08-2013.

3. He stated that on 05-08-2013, he had tendered his resignation dated 05-08-2013 to the Employer at Panaji, Goa, which was received by Mr. Vikram Patil and Mrs. Natasha Patel. He stated that the said Mrs. Natasha Patel put her remarks on the said resignation that the same is "accepted with his last working day as 05-09-2013". He stated that the acceptance of his resignation w.e.f. 05-09-2013 was on account of the fact that under unnumbered clause 4 of letter of appointment dated 03-08-2012, the Workman was required to give a notice of one month or pay salary in lieu of notice. He stated that therefore, he had agreed to work up to 05-09-2013. He stated that as his resignation was come into effect from 05-09-2013, he reported for work on 06-08-2013. He stated that he was not allowed to report for work and not allowed to sign the attendance record from 06-08-2013. He stated that on 06-08-2013, he had sent a letter dated

06-08-2013 to the Employer withdrawing his resignation letter dated 05-08-2013 and wished to continue to work with the Employer. He stated that the Employer refused to accept the said letter dated 06-08-2013 and also refused to allow him to attend work w.e.f. 06-08-2013.

4. He stated that he, thereafter, sent a letter dated 27-09-2013 to the Employer with a copy endorsed to the Labour Commissioner, Government of Goa, Panaji, demanding reinstatement in service with full back wages and continuity of service and costs. He stated that as the Employer did not reinstate him in service as per his demand, he wrote a letter dated 15-10-2013 to the office of the Asstt. Labour Commissioner, Panaji, requesting to intervene in the matter. He stated that the Asstt. Labour Commissioner and Conciliation Officer, Panaji, took up the matter for discussions and closed the matter without authority and advised him to file a claim application before the Appropriate Authority for the earned wages from 01-08-2013 to 05-09-2013.

5. He stated that thereafter, he raised an 'industrial dispute' u/s 2-A of the I.D. Act, 1947 before the Asstt. Labour Commissioner, Panaji, Goa, vide his letter dated 04-02-2015. He stated that the Asstt. Labour Commissioner, Panaji, Goa, vide his notice dated 07-05-2015 called the parties for discussion on the dispute raised by him on 14-05-2015. He stated that the Employer filed its written statement on 04-08-2015 and he filed his rejoinder on 27-08-2015. He stated that the dispute was thereafter fixed for discussions/conciliations on various dates, but the matter could not be settled. He stated that the Asstt. Labour Commissioner and the Conciliation Officer, Panaji did not record the failure of conciliation even though, the Employer did not agree with the demands and delayed the matter further which caused prejudice to him. The Workman therefore approached this Hon'ble court directly under section 2-A(2) of the said Act, for adjudication of the dispute. He stated that the first day of discussion on his dispute was fixed on 09-05-2015 and the last date was on 18-02-2016 on which date the Asstt. Labour Commissioner and Conciliation Officer, Panaji, postponed the proceedings without any reasons. He submitted that the action of the Employer in refusing him employment w.e.f. 06-08-2013 is illegal, unjust and malafide. He submitted that the termination i.e. action of refusing him employment is also in contravention of Section 25-F and Section 25-G of



the said Act. The Workman therefore prayed for passing of an award, holding that the action of the Employer in terminating his services is non-est, illegal, malafide, unjust and in contravention of Section 25-F and Section 25-G of the said Act and that he continues to be in service with full back wages, other benefits, continuity in services and consequential benefits.

6. The Employer resisted that the claim of the Party I by filing its written statement on 26-04-2016 at Exb. 6. The Employer, as and by way of its preliminary objections, submitted that the petition filed by the Party I is absolutely false and without any basis since the Party I had not been or never been its 'Workman' and therefore as per the provisions of law, he would be barred in filing the present petition against them before this Hon'ble Court. The Employer submitted that the Party I has not approached this Hon'ble Court with clean hands as he has suppressed the material/vital facts from this Hon'ble Court. The Employer stated that the Party I was appointed by them for the position of Branch Manager-Sales and dealings, on an annual CTC of Rs. 3,40,000/- and posted at its Goa branch. The Employer stated that the Party I worked as a Branch Manager of its Goa branch w.e.f. 03-08-2012 till 06-09-2013. The Employer specifically denied that the Party I had worked as its 'Workman' as falsely alleged by him and therefore, this Hon'ble Court does not have any jurisdiction to try and entertain the present petition filed by the Party I. The Employer stated that during his tenure of service with them, the Party I was providing his services as a "Branch Manager-Sales and dealings". The Employer stated that the Party I, whilst working as Branch Manager-Sales and dealings at Panaji-Goa, branch, had an overall responsibility of handling Panaji-Goa branch profitability/income/revenue and including but not limited to the acquisition of new plants, new sub-brokers/authorized persons, advising customers on equity, commodity, currency, MF/cross-sales products, handling dealings, operations, administration of branch, providing support and guidance to employees for business and operations, sales, clients acquisitions, risk management, handling sub-brokers/authorized persons for business and operations, arranging training to sub-brokers and authorized persons regarding products and operations. The Employer stated that the five staff members then working at its Panaji, Goa were reporting to and seeking instructions from the Party I, whose names are Shamrao Hirlekar, Ruhi Kerkar, Jayshree Nagvekar, Vinda Barve and Abdul Kazi (Office Assistant).

7. The Employer admitted that the Workman had given his resignation from service on his own accord, vide his resignation dated 05-08-2013. The Employer stated that the Party I submitted his resignation letter dated 05-08-2013 to them on 06-08-2013. The Employer stated that they accepted the said resignation letter on 06-08-2013 and handed over the copy of the acceptance/acknowledged resignation letter to the Party I on 06-08-2013. The Employer stated that the earlier application bearing No. CLS/ALC/COMP/(20)/2013 filed by the Party I before Assistant Labour Commissioner, Goa for reinstatement which was closed on the ground that the matter cannot be treated as 'industrial dispute' as the Party I has already tendered his resignation letter and the same has been accepted by its management. The Employer stated that during the tenure of services of Branch Manager of Goa branch, the Party I used to correspond and sent e-mails to various departments/company officials for his day-to-day managerial affairs at the branch. The Employer stated that they had received a complaint from its one client namely, Mr. Mousinho Dos Reis, vide letter dated 02-07-2013 against the Party I stating that the Party I has executed few trades to his account without instructions/authorization of the client and has put him to losses, which was also informed to the Party I by them.

8. The Employer denied that the Party I was employed as "Associate-Sales" by them w.e.f. 03-08-2012. The Employer stated that the term 'Associate' is its service grade and post/position and that it would be clear from the offer letter dated 02-08-2012 issued to the Party I by them. The Employer admitted that it is a public limited company incorporated under the provisions of the Companies Act, 1956 having its registered office at Ahmedabad. The Employer stated that it is inter-alia registered stock broker registered as such with the Security and Exchange Board of India (SEBI) and inter-alia a trading member of the National Stock Exchange of India Ltd. as also of the Bombay Stock Exchange Ltd. and also registered with Depository Participant (NSDL) providing broking and DP services to its clients, on a Pan India basis. In the appointment letter dated 02-08-2012, they offered him employment as 'Associate' (which is signified internal gradation as per company policy). The Employer stated that they had not terminated the services of the Party I. On the contrary, the Party I had resigned from the services on his own, vide resignation letter dated 05-08-2013, which was submitted on 06-08-2013 and accepted on 06-08-2013 by them. The Employer stated that on the same day, a copy of acknowledged/accepted

letter handed over to the Party I. The Employer stated that the Party I has admittedly refused the said acceptance provided by them and he himself has enclosed with his communication mail dated 06-08-2013 addressed to the official of the Employer, which mail was addressed by him for his FNF settlement. The Employer stated that as per conditions of employment duly agreed by the Party I, his last working day was to be 05-09-2013.

9. The Employer denied that on 06-08-2013, the Party I sent a letter to them withdrawing his resignation letter dated 05-08-2013 and wished to continue to work with them. The Employer stated that the Asstt. Labour Commissioner, vide its letter dated 30-09-2013 sent a complaint letter dated 27-09-2013 to them through post and informed for discussion meeting which was kept on 10-10-2013. The Employer stated that they had attended the meeting on 10-10-2013 and submitted its detailed reply to the complaint of the Party I on 14-10-2013 to Asstt. Labour Commissioner. The Employer stated that the said complaint dated 27-09-2013 filed by the Party I before the Asstt. Labour Commissioner was closed by concluding that "the instant matter cannot be treated as 'industrial dispute' as the complainant (Party I) has already tendered his resignation letter and the same has been accepted by the management. However, the complainant/Party I is free to file claim application before the Appropriate Authority towards the earned wages for the period from 01-08-2013 to 05-09-2013 and that the Party I agreed for the same. The Employer denied the overall case as pleaded by the Party I and prayed for rejection of the present petition filed by the Party I and passed any other orders as may deem fit and proper in the ends of justice and equity.

10. Thereafter, the Party I filed his re-joinder on 13-06-2016 at Exb. 8. The Party I, by way of his Re-joinder, denied each and every statement, averments and submissions made by the Employer, vide its written statement filed in the present proceedings and reiterates and confirms the statements, averments and submissions made by him in his statement of claim. He stated that Mr. Shamrao Hirlekar, Ms. Ruhi Kerkar and Shri Vijayshree Nagvekar were working as dealer, Vinda Barve was working as back office and Mr. Abdul Kazi was working as Office Assistant. He stated that all the said persons were working under the direct supervision of Mr. Suyash Singh, Branch Manager and authorized signatory and Mr. Vikram Patil, Sr. Branch Manager and authorized signatory and were reporting to them on day to day basis. He stated that the work to the said employees as well

as to the Applicant was allotted by the said executives. He stated that the said executives were controlling the business and supervising the work from Kolhapur and visiting the branch every week. He stated that the Asstt. Labour Commissioner, Goa is not an authority to decide the issue as to whether the dispute raised by the Party I is an 'industrial dispute' or not.

11. This Hon'ble court framed the following issues on 27-07-2016 at Exb. 11.

1. Whether the Workman/Party I proves that he is a 'workman' within the meaning of Section 2 (s) of the I.D. Act, 1947?
2. Whether the Workman/Party I proves that the present dispute raised by him against the Employer/Party II is an 'industrial dispute' within the meaning of Section 2 (k) of the I.D. Act, 1947?
3. Whether the Workman/Party I proves that the action of the Employer/Party II in refusing him employment w.e.f. 06-08-2013 is illegal and unjustified?
4. Whether the Employer/Party II proves that Party I was appointed by them as Branch Manager-Sales and Dealings w.e.f. 03-08-2012 and was performing the duties of administrative, managerial and supervisory in nature?
5. Whether the Workman/Party I is entitled to any relief?
6. What order?

12. My Findings to the aforesaid issues are as under:

- |                     |                       |
|---------------------|-----------------------|
| (a) Issue No. 1     | : Does not arise.     |
| (b) Issue No. 2     | : In the negative.    |
| (c) Issue No. 3     | : Does not arise.     |
| (d) Issue No. 4     | : Does not arise.     |
| (e) Issue No. 5 & 6 | : As per final order. |

#### REASONS

Ld. Adv. Shri P. J. Kamat, appearing for the Party I as well as Ld. Adv. Shri P. Karpe appearing for the Employer filed their synopsis of written arguments respectively.

I have carefully perused the entire records of the present case including the synopsis of arguments filed by both the parties.

#### 13. Issue No. 2:

I decide the issue No. 2 first, prior to the issue No. 1 as the said issue No. 2 goes to the root of the present matter.

It appears from the claim statement filed by the

Party I that he had tendered his resignation letter dated 05-08-2013 on 06-08-2013 to the Employer, which was accepted by them on the same day. The Party I pleaded that as per conditions of employment duly agreed by the Party I, his last working day was to be 05-09-2013 and that he had withdrawn his said resignation on 06-08-2013. The Party I further pleaded that he has been refused employment by the Employer w.e.f. 06-08-2013 and that the said refusal of employment is illegal, unjust and in contravention of section 25-F and 25-G of the I.D. Act, 1947. On the contrary, the Employer, in its written statement, pleaded that neither the Party I is a 'workman' as defined u/s 2 (s) of the I.D. Act nor dispute raised by him is an 'industrial dispute' within the meaning of Section 2 (k) of the I.D. Act, 1947. The Employer pleaded that the Party I did not withdraw his resignation dated 05-08-2013. He was not refused employment by them on 06-08-2013.

14. The term 'industrial dispute' has been defined u/s 2 (k) of the I.D. Act, 1947 and it reads as under:

*" 'Industrial dispute' means any dispute or difference between employers and employers, or between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, of any person".*

Thus, the term 'industrial dispute' implies any dispute or differences between the employers and employers, or between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, of any person.

15. The evidence on record indicates that the Party I had relied upon a copy of his resignation letter dated 05-08-2013 (Exb. 23). The said resignation letter of the Party I on record indicates that the Employer accepted the resignation letter of the Party I on 06-08-2013 and informed the Party I that his last working day is 05-09-2013. The Party I also relied upon his withdrawal of resignation dated 05-08-2013 (Exb. 27), stating that he wish to continue being a part of the team. He claimed to withdraw his resignation from 06-08-2013. There is nothing on record to prove that the said withdrawal of resignation of the Party I was delivered/served upon the Employer.

16. In cross-examination, the Party I deposed that there is no stamp or acknowledgment of the Employer on the said letter at Exb. 27. The Party

I deposed that he has not sent the said withdrawal letter at Exb. 27 to the Employer by registered post A/D or through post or by any other means. He deposed that he has not made any complaint against the Employer or to any other authority pertaining to the alleged refusal of the Party I to accept his letter at Exb. 27. He admitted that in terms of his appointment letter issued to him by the Employer at Exb. 22, he has to give notice of termination of employment at least one month in advance to the Employer or one month salary in lieu of notice, in the event he intends to terminate his employment with the Employer. He admitted that his letter dated 15-10-2013 (Exb. 26-colly) was submitted by him before the Conciliation Officer during the course of conciliation proceedings, in pursuance to the letter of the Employer dated 14-10-2013 (Exb. 25-colly). He admitted that he had submitted his letter dated 27-09-2013 (Exb. 24) to the Conciliation Officer during the course of conciliation proceedings. He admitted that in pursuance to his letter at Exb. 24, the Employer had submitted its letter dated 14-10-2013 (Exb. 25-colly) before the conciliation officer. He admitted that his letter dated 15-10-2013 at Exb. 26-colly was received by the Employer on 28-10-2013.

17. The aforesaid cross-examination of the Party I by Ld. Adv. Shri P. Karpe, appearing for the Employer, made crystal clear that the letter of withdrawal of resignation of the Party I dated 06-08-2013 (Exb. 27) was not submitted or served upon the Employer on 06-08-2013. The letter of withdrawal of resignation was received by the Employer on 15-10-2013 in the conciliation proceedings. Further, the Party I admitted that the dispute raised by him before the Asstt. Labour Commissioner and Conciliation Officer, Panaji, Goa (Exb. 29), has been closed by the Asstt. Labour Commissioner and Conciliation Officer. It has been observed in the minutes of discussions held on 29-11-2013 between the parties hereinabove (Exb. 35-cross) duly signed by both parties that "the instant matter cannot be treated as 'industrial dispute' as the Complainant has already tendered his resignation letter and the same has been accepted by the management. However, the complainant is free to file claim application before appropriate authority towards his earned wages for the period from 01-08-2013 to 05-09-2013. The Party I agreed for the same. In view of above, the matter stands close as on today". The Party I admitted that he had agreed the say of the management before the Conciliation Officer. The matter was accordingly closed.



18. Thus, it is clear from the evidence on record that the Party I tendered his resignation dated 05-08-2013 and the same was accepted by the Employer on 06-08-2013 and informed him his last day of working is 05-09-2013. Though the Party I claimed to withdraw his resignation as stated above, the said withdrawal of resignation of Party I dated 06-08-2013 was not communicated/ delivered/ served upon the Employer on or before 05-09-2013 which was the last working day of the Party I. The Party I claimed that he made demand on the Employer, vide his representation dated 27-09-2013 at Exb. 24, requesting for reinstatement in service with full back wages and continuity in service. The said representation of the Party I at Exb. 24 was not directly served upon the Employer, but the same was served upon the Employer through the Asstt. Labour Commissioner, Panaji, Goa during the course of conciliation proceedings. The Party I claimed to be refused him employment w.e.f. 06-08-2013. The Party I has however, failed to produce on record any cogent evidence either oral or documentary to that effect especially when the Party I used to send emails to the authorities of the Employer. Hence, it is held that the dispute raised by the Party I cannot be termed as an 'industrial dispute' within the meaning of Section 2 (k) of the I.D. Act, 1947. The issue No. 2 is therefore answered in the negative.

19. *Issue No. 1, 3, 4 and 5:*

While deciding the issue No. 2 hereinabove, I have discussed and came to the conclusion that the Party I failed to prove that the dispute raised by him against the Employer is an 'industrial dispute' within the meaning of Section 2 (k) of the I.D. Act, 1947 and as such the question of answering the issue No. 1, 3 and 4 does not arise being without jurisdiction. The said issue No. 1, 3 and 4 are answered accordingly. The Party I is therefore not entitled to any relief.

In view of above, I pass the following order:

ORDER

1. The prayer of the Party I that the termination of his services by the Employer is non-est, illegal, malafide, unjust and in contravention of Section 25-F and 25-G of the I.D. Act, 1947 and that the Party I continues to be in service with full back wages, other benefits, continuity in service and consequential benefits, is not sustainable on facts and law.
2. The present petition filed by the Party I is hereby dismissed.

3. No order as to costs.

Inform the Government accordingly.

Sd/-  
(Suresh N. Narulkar)  
Presiding Officer,  
Labour Court-II.

Department of Law & Judiciary  
Law (Establishment) Division

Order

No. 14/20/2014-LD(Estt.)/360

On the recommendation of the Departmental Promotion Committee, the Government is pleased to declare Shri Rajesh Narvekar, to have satisfactorily completed the probation period from the date of joining the service on regular basis i.e. w.e.f. 26-08-2015 to 26-08-2017 as the President, Goa Administrative Tribunal and confirmed in the grade with immediate effect.

By order and in the name of the Governor of Goa.

*Amir Y. Parab*, Under Secretary (Law-Estt.).

Porvorim, 10th February, 2021.

Department of Personnel

Order

No. 7/1/2019-PER/399

Shri Rajeev Shinde, Assistant Professor in Applied Art, Goa College of Art, Altinho, Panaji shall hold the charge of the post of Principal, Goa College of Art, in addition to his own duties with immediate effect until further orders.

By order and in the name of the Governor of Goa.

*Maya Pednekar*, Under Secretary (Personnel-II).

Porvorim, 09th February, 2021.

Order

No. 7/3/2019-PER/433

Shri Hemant Kumar, IAS, Commissioner of State Tax shall hold the charge of the post of Chief



Executive Officer, Goa CSR Authority, in addition to his duties with immediate effect.

By order and in the name of the Governor of Goa.

*Vishal C. Kundaikar*, Under Secretary (Personnel-I).  
Porvorim, 10th February, 2021.

#### Order

No. 13/24/2016/PER/440

Whereas, the Government vide order No. 13/24/2016-PER/2187 dated 30-09-2020 was pleased to grant extension in services to Dr. Jose O. A. D'Sa, Dy. Director (Public Health) holding the charge of Director of Health Services, Directorate of Health Service beyond the date of his superannuation for further period of one year w.e.f. 01-10-2020 to 30-09-2021 or till the post is filled on regular basis whichever is earlier, in public interest subject to vigilance clearance, concurrence of Finance Department and approval of Council of Ministers;

And whereas, the Vigilance Department has submitted Vigilance Clearance stating that, no Disciplinary Proceedings/Vigilance cases are pending or being contemplated against Dr. Jose O. A. D'Sa;

And whereas, the Finance Department vide its U.O. No. 1400067864 dated 31-10-2020 concurred the proposal for grant of extension of Dr. Jose O. A. D'Sa, Dy. Director (Public Health) holding the charge of Director of Health Services, Directorate of Health Service subject to Cabinet approval and adherence of all Rules in force;

And whereas, the Council of Ministers in its XXXIX<sup>th</sup> meeting held on 06-01-2021 resolved to grant ex-post facto approval for further extension in service beyond superannuation to Dr. Jose O. A. D'Sa, Dy. Director (Public Health) holding the charge of Director of Health Services, Directorate of Health Service for further period of one year w.e.f. 01-10-2020 to 30-09-2021 or till the post is filled on regular basis whichever is earlier, in public interest;

Now, therefore, the Government is pleased to confirm the order No. 13/24/2016-PER/2187 dated 30-09-2020 granting further extension in service beyond superannuation to Dr. Jose O. A. D'Sa, Dy. Director (Public Health) holding the charge of Director of Health Services, Directorate of Health Service for further period of one year w.e.f. 01-10-2020 to 30-09-2021 or till the post is

filled on regular basis whichever is earlier, in public interest.

By order and in the name of the Governor of Goa.

*Maya Pednekar*, Under Secretary (Personnel-II)  
Porvorim, 11th February, 2021.

#### Order

No. 5/12/2017-PER/451

On the recommendation of the Goa Service Board, the Governor of Goa is pleased to direct Shri Pranab Bhat, Under Secretary, Finance (R & C) holding additional charge of Under Secretary, Budget-II to hold the charges of Under Secretary, Budget-I & Under Secretary, Finance (Audit) in addition to his own duties w.e.f. 01-03-2021, in public interest.

By order and in the name of the Governor of Goa.

*Vishal C. Kundaikar*, Under Secretary (Personnel-I).  
Porvorim, 11th February, 2021.

#### Order

No. 6/4/2001-PER (Vol.II)/454

Read: 1) Order No. 6/4/2001-PER (Vol.I)/307 dated 27-01-2016.

In terms of Rule 17 of the Goa Civil Service Rules, 1997 and on the recommendation of the Goa Public Service Commission as conveyed vide their letter No. COM/II/12/42(1)/2020/919 dated 28-01-2021, the Governor of Goa is pleased to declare the following Junior Scale Officers of Goa Civil Service, to have satisfactorily completed their period of probation in Junior Scale of Goa Civil Service and confirmed in the grade with effect from the date of passing of the Departmental Examination i.e. 20-11-2018:-

Sr. No.	Name of the Probationers
1.	Shri Kapil C. Phadte
2.	Shri Taha I. Haaziq
3.	Shri Ajay R. Gaude

By order and in the name of the Governor of Goa.

*Vishal C. Kundaikar*, Under Secretary (Personnel-I).  
Porvorim, 12th February, 2021.

**Order**

No. 6/4/2001-PER (Vol.II)/453

- Read: 1) Order No. 6/4/2001-PER (Vol. I) dated 27-01-2016.  
 2) Order No. 6/8/2016-PER/2521 dated 04-10-2018.  
 3) O.M. No. 12/14/89-PER (part) dated 12-08-2014.

The Governor of Goa is pleased to extend the period of probation under sub-rule (2) of Rule 22 of the Goa Civil Service Rules, 2016, of the following officer appointed vide order read in preamble at Sr. No. (1) till 31-12-2020, as mentioned in column 5 below, read with guidelines laid down vide O.M. cited at Sr. No. (3) of the preamble:-

Sr. No.	Name of the Officer	Date of joining	Date of expiry of probation period	Date upto which probation is extended
1	2	3	4	5
1.	Shri. Roshan J. Kaskar	28-01-2016 (b.n.)	27-07-2018	31-12-2020.

The period of probation is extended as the vigilance clearance of Shri Kaskar is withheld since disciplinary proceedings under major penalty under Rule 14 of CCS (CCA) Rules, 1965 has been initiated against him vide Memorandum No. 15/18/2018-VIG/836 dated 15-03-2019.

This issues with the concurrence of the Goa Public Service Commission conveyed vide letter No. COM/II/12/42(1)/2020/919 dated 28-01-2021.

By order and in the name of the Governor of Goa.

*Vishal C. Kundaikar*, Under Secretary (Personnel-I).

Porvorim, 12th February, 2021.

**Department of Public Health****Order**

No. 4/10/2002-II/PHD/Vol.II/305

Read: Memorandum No. 4/10/2002-II/PHD/Vol.II dated 15-12-2020.

On the recommendation of the Goa Public Service Commission as conveyed vide their letter No. COM/I/5/30(6)/2020/740 dated 10-11-2020, Government is pleased to appoint the following doctors to the post of Lecturer in the Department of Orthopaedic Surgery (Group "A" Gazetted) under the Goa Medical College, Bambolim in Level-11 of Pay Matrix [Pay Band-3 Rs. 15600-39100 + Grade Pay of Rs. 6600/- (pre-revised)] with immediate effect and as per the terms and conditions contained in the Memorandum cited above:-

1. Dr. Kunal alias Prakash Gurunath Fadte.
2. Dr. Charan Jayaram Phayade.

The above doctors shall be on probation for a period of two years.

They have been declared medically fit by the Medical Board. The appointments are made subject to the verification of their character and

antecedents. In the event of any adverse remarks noticed by the Government on verification of their character and antecedents, their services shall be terminated.

The appointment is made against the vacancies occurred due to revival of posts of Lecturer in the Department of Surgery in Goa Medical College & Hospital, vide Order No. 4/1/2018-II/PHD/1194 dated 14-08-2019.

By order and in the name of the Governor of Goa.

*Trupti B. Manerkar*, Under Secretary (Health).

Porvorim, 11th February, 2021.

**Department of Public works**

Office of the Executive Engineer

**Notification**

No. PWD/WDVI/ADM/F67/2020-21/2100

In exercise of the powers conferred by Section 3 of the Goa, Daman and Diu Highway Act, 1973 (Act No. 10 of 1974) read with Section 21 of the General Clauses Act, 1897 (Act No. 10 of 1897), the Government of Goa hereby amends the Government

Notification dated 08-02-1977, published in the Official Gazette, Series II No. 47 dated 17-02-1977 (hereinafter referred to as the "Principal Notification") as follows:-

In the Principal Notification, in "Table A", the existing entry against serial number 8 shall be omitted.

This notification shall come into force on the date of its publication in the Official Gazette.

By order and in the name of the Governor of Goa.  
Executive Engineer, Div. VI (Roads-South) (PWD).  
Margao, 15th February, 2021.

### Department of Revenue

#### Notification

No. 4/14/1/2021-RDII/1868  
Read: Notification No. 32/3/2001-RD(6576) dated 01-02-2018.

In exercise of the powers conferred by Section 4 of the Goa Rehabilitation Board Act, 2006 and in continuation of the Notification read in preamble duly published in the Official Gazette, Series II

No. 46 dated 15-02-2018, the Government of Goa hereby further reconstitutes the Goa Rehabilitation Board as indicated here under:-

Sr. No.	Name and address	Designation
1.	Smt. Alina Saldanha, Hon. MLA Cortalim Constituency	Chairman.
2.	Finance Secretary, Government of Goa	Member.
3.	Secretary (Revenue)	Member.
4.	Collector (North)	Member.
5.	Collector (South)	Member.
6.	Secretary, Goa Rehabilitation Board	Ex Officio Member Secretary.

The term of office of the Chairman and other members of the Board shall be as prescribed under Section 5 of the Goa Rehabilitation Board Act, 2006.

The above Notification will come in force from 01-02-2021.

By order and in the name of the Governor of Goa.

*Isha M. Sawant*, Under Secretary (Revenue-II).  
Porvorim, 12th February, 2021

### Department of Water Resources

Office of the Chief Engineer

#### Order

No. 3/25-5/87/WR/Adm.I/1159

On the recommendation of the Goa Public Service Commission as conveyed vide Confidential letter No. COM/II/11/27(1)/2019/943 dated 08-02-2021, Government is pleased to order the promotion of the following Technical Assistants/Junior Engineers to the post of Assistant Engineers/Assistant Surveyor of Works (Civil) Group 'B' Gazetted in Water Resources Department on regular basis in the Pay Matrix Level No. 7, and post them against the place indicated in Column No. 4:-

Sr. No.	Name of the promotee	Present Designation and place of posting	Designation and place of posting on promotion	Remarks
1	2	3	4	5
1.	Shri Naresh G. Pokle	Technical Assistant, O/o Assistant Engineer, Sub-Div-I, WD-VI, WRD, Bicholim-Goa	Assistant Engineer, O/o Assistant Engineer, Sub-Div.-III, WD-VI, WRD, Mulgao-Goa	Promotion.
2.	Shri Dhananjay R. Nagvekar	Technical Assistant, O/o Assistant Engineer, Sub-Div-III, WD-XI, WRD, Margao-Goa	Assistant Engineer, O/o Assistant Engineer, Sub-Div-II, WD-XI, WRD, Canacona-Goa	Promotion.



1	2	3	4	5
3.	Shri Sudesh R. Paidarkar	Junior Engineer, O/o Assistant Engineer, Sub-Div-II, WD-II, WRD, Margao-Goa	Assistant Surveyor of Works, O/o Executive Engineer, Works Div-XIII, WRD, Gogal, Margao-Goa	Promotion.
4.	Shri Rajesh R. Kamat Tarkar	Junior Engineer, O/o Assistant Engineer, Sub-Div-IV, WD-I, WRD, Porvorim-Goa	Assistant Engineer, O/o Assistant Engineer, Sub-Div-V, WD-I, WRD, Porvorim-Goa	Promotion.
5.	Shri Caldeira Merwyn Antonio	Junior Engineer, O/o Assistant Engineer, Sub-Div-I, WD-II, WRD, Margao & on working arrangement in the O/o CE-WRD, Porvorim-Goa	Assistant Engineer, O/o Executive Engineer, WD-IX, WRD, Gogal, Margao-Goa	Promotion.
6.	Kum. Stancy Colaso	Technical Assistant, O/o Superintending Engineer, CPO, WRD, Porvorim and on working arrangement in the O/o Assistant Engineer, SD-IV, WD-XIII, Margao-Goa	Assistant Engineer, O/o Assistant Engineer, Sub-Div-I, WD-IX, WRD, Margao-Goa	Promotion.
7.	Shri Neil Narana Sinai Quencro Agxicar	Technical Assistant, O/o Superintending Engineer, CO-I, WRD, Porvorim-Goa	Assistant Surveyor of Works, O/o Super- intending Engineer, CPO, WRD, Porvorim-Goa	Promotion.
8.	Shri Somnath A. Dessai	Junior Engineer, O/o Assistant Engineer, Sub-Div-II, WD-XII, WRD, Margao-Goa	Assistant Engineer, O/o Assistant Engineer, Sub-Div-IV, WD-XIV, WRD, Quepem-Goa	Promotion.

The Government is also pleased to transfer the below mentioned Assistant Engineers/Assistant Surveyor of Works (Civil) in WRD in view of the above posting of the promotee Officers in Water Resources Department.

Sr. No.	Name of the Officer	Present Designation and place of posting	Designation and place of posting on transfer
1	2	3	4
1.	Shri Shailesh K. Naik	Assistant Engineer, O/o Assistant Engineer, Sub-Div-II, Works Div-III, WRD, Ponda-Goa with additional charge of Assistant Engineer, Sub-Div-IV, Works Div-XI, WRD, Ponda-Goa	Assistant Engineer, O/o Assistant Engineer, Sub-Div-IV, Works Div-XI, WRD, Ponda-Goa.
2.	Shri Gipson Mirnada	Assistant Engineer, O/o Assistant Engineer, Sub-Div-I, Works Div-IX, WRD, Margao with additional charge of Assistant Engineer, Sub-Div-V, Works Div-III, WRD, Margao-Goa	Assistant Engineer, O/o Assistant Engineer, Sub-Div-V, Works Div-III, WRD, Margao-Goa.

1	2	3	4
3.	Shri Amir N. Naik Karmali	Assistant Engineer, O/o Assistant Engineer, Sub-Div-I, Works Div-XIV, WRD, Quepem	Assistant Engineer, O/o Assistant Engineer, Sub-Div-II, Works Div-III, WRD, Ponda-Goa.
4.	Shri Nitin Gaitonde	Assistant Engineer, O/o Assistant Engineer, Sub-Div-IV, WD-XIV, WRD, Quepem-Goa	Assistant Surveyor of Works, O/o Superintending Engineer, CO-III, WRD, Margao-Goa.
5.	Shri Lilesh B. Khandeparkar	Assistant Surveyor of Works, O/o Superintending Engineer, CO-III, WRD, Margao-Goa	Assistant Surveyor of Works, O/o Executive Engineer, WD-XII, WRD, Margao-Goa.
6.	Shri Shantaram Varde	Assistant Surveyor of Works, O/o Executive Engineer, WD-XII, WRD, Margao-Goa	Assistant Engineer, O/o Assistant Engineer, Sub-Div-I, Works Div-X, WRD, Quepem-Goa.
7.	Shri Sumant Nadkarni	Assistant Engineer, O/o Assistant Engineer, Sub-Div-V, Works Div-I, WRD, Porvorim-Goa	Assistant Engineer, O/o Assistant Engineer, Sub-Div-I, Works Div-VII, WRD, Dhargal-Goa.
8.	Shri Keshav Deshpande	Assistant Engineer, O/o Assistant Engineer, Sub-Div-III, Works Div-VI, WRD, Mulgao-Goa	Assistant Engineer, O/o Assistant Engineer, Sub-Div-III, Works Div-VII, WRD, Dhargal-Goa.

The promoted officers at Serial No. 01 to 08 shall be on probation for a period of two years as specified in Column No. 9 of the Recruitment Rules notified in the Official Gazette, Extraordinary, Series I No. 28 dated 11-10-2001.

This is issued vide Government approval No. 973/F dated 11-02-2021.

By order and in the name of the Governor of Goa.

*S. D. Patil*, Chief Engineer & ex officio Addl. Secretary (WR).

Porvorim, 11th February, 2021.

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